

4899. Misbranding of fernet branca. U. S. * * * v. 11 Cases of Fernet Branca. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 6915. I. S. No. 11229-1. S. No. C-347.)

On October 13, 1915, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 11 cases, each containing 12 bottles, of fernet branca, remaining unsold in the original unbroken packages at Detroit, Mich., alleging that the article had been shipped on July 28, 1915, by Charles F. Mezzardi, New York, N. Y., and transported from the State of New York into the State of Michigan, and charging misbranding in violation of the Food and Drugs Act. The bottles were labeled in part: "Italy" "Fernet-Branca. dei Fratelli Branca E. Comp. * * * Fernet-Branca Fili Branca-Milan (Italy)."

It was alleged in the libel that the article was misbranded in violation of section 8 of the Food and Drugs Act, first general paragraph under the classification of food in said act, that said food product was not fernet branca, but an imitation of that product, and the labeling thereof, as aforesaid, constituted a violation of said Food and Drugs Act.

On June 30, 1916, the said Charles F. Mezzardi having filed his claim for the property, it was ordered by the court that the product should be released to said claimant upon payment of the costs of the proceedings and the execution of bond in the sum of \$500, conditioned in part that the goods should be emptied from the original packages into bulk form, and that the bottles and cases containing the same should be confiscated and destroyed.

CARL VROOMAN, *Acting Secretary of Agriculture.*